

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
GLYNICE SIMMONS individually and as  
Administratrix of the Estate of Dainell Erik Simmons,

Plaintiff,

-against-

**ORDER**

CV 14-3884 (AMD)(ARL)

COUNTY OF SUFFOLK, et al.,

Defendants.  
-----X

**LINDSAY, Magistrate Judge:**

Before the Court is the plaintiff's letter application dated December 22, 2016, which was redirected to the undersigned. The plaintiff, Glynice Simmons ("Simmons"), has requested a telephone conference to address the failure of nonparty Dr. Maura DeJoseph to appear for a deposition. According to plaintiff's counsel, after he served Dr. DeJoseph with the subpoena, he was notified by counsel for the defendants that she would be representing Dr. DeJoseph going forward. However, to date, counsel for the defendants has not responded to plaintiff's counsel's requests to schedule the deposition. Nor has she responded to this letter application. Nonetheless, the plaintiff's request for a phone conference is denied. Instead, the court will treat the December 22 letter as a motion to compel the deposition of Dr. DeJoseph. Counsel for the defendants may submit a response to the letter motion on or before January 18, 2017.

The court notes that the plaintiff's letter also make reference to additional discovery issues but does not seek specific relief. Given the fast approaching discovery deadline, counsel for the parties are directed to meet and confer in an attempt to resolve any remaining discovery issues on or before January 18, 2017. If the parties are unable to resolve those issues, they are directed to submit a joint letter outlining any remaining issues before January 18.

Dated: Central Islip, New York  
January 12, 2017

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE ROSARIO LINDSAY  
United States Magistrate Judge